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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,) No. CR-07 00286 SBA
12)
Plaintiff,) **SENTENCING MEMORANDUM**
13)
vs.) **Sentencing Date: January 15, 2008**
14) **Time: 10:00 a.m.**
JULIO BEJAR NAVARETE,)
15)
Defendant.)
16)
_____)

17 On January 15, 2008, Julio Bejar Navarete will stand before the Court prepared to enter a
18 plea to a single count of illegal re-entry by an alien following deportation. The parties have
19 submitted a Rule 11(c)(1)(C) plea agreement that incorporates the sentencing guidelines' fast-
20 track disposition calculations and recommends the low end of the applicable sentencing range.
21 Mr. Bejar Navarete agrees with the probation officer's calculations¹, and submits this brief
22
23

24 _____
25 ¹ Mr. Bejar Navarete disagrees with the criminal history computation set forth in
26 PSR ¶¶ 13 - 15, although the resulting range is correct. Four criminal history points based on
convictions and an additional three points for recency total seven, not nine. The criminal history
category nonetheless is IV.

1 memorandum to request that the Court sentence him to six months.²

2 Mr. Bejar Navarete first appeared in federal court on September 27, 2007 and has
3 remained in custody since that time. Since the day of his initial appearance, Mr. Bejar Navarete
4 has been prepared to accept the consequences of his actions. He has chosen not to contest the
5 legality of his prior deportations or otherwise interpose a defense to the present charge.

6 His criminal history is minor. Grand theft is his most serious felony conviction, for
7 which he received a sentence of 5 years probation and 1 day in the county jail. Almost all of his
8 prior convictions are for property or disorderly conduct offenses, and it appears that his most
9 enduring problem is using controlled substances.

10 There is nothing egregious or unusual about Mr. Bejar Navarete or this case that might
11 merit a sentence above the low end of the applicable guidelines range, namely six months.

12 For the reasons stated, Julio Bejar Navarete respectfully requests that the Court sentence
13 him to six months.

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15 Dated: January 7, 2008

16 Respectfully submitted,

17 BARRY J. PORTMAN
18 Federal Public Defender

19 /S/

20 JEROME E. MATTHEWS
21 Assistant Federal Public Defender

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25 ² Because Mr. Bejar Navarete has a minor criminal history and the parties are
26 requesting the Court to impose a sentence within the applicable guidelines range, Mr. Bejar
Navarete does not feel it necessary to discuss the Supreme Court's recent pronouncements on the
relationship between the guidelines and this Court's sentencing discretion.